

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Howard E. Leventhal,

Case No. 0:18-cv-320-PAM-KMM

Plaintiff,

v.

**ORDER**

Travis Tomford et al.;

Defendants.

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Howard E. Leventhal, # 46376-424, Federal Prison Camp, P.O. Box 1000, Duluth, MN 55814, pro se.

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Mr. Leventhal has filed a motion (ECF No. 70) requesting an extension until October 5th to respond to the government's motion to reconsider this Court's order granting Mr. Leventhal permission to file *in forma pauperis*. (ECF No. 58) This motion is denied because Mr. Leventhal already has until October 11th to respond to the government's motion. The government's motion was filed on September 20, 2018 (*see* ECF No. 58), and Mr. Leventhal was granted 21 days to respond. (*See* Order Granting Request for Permission to File a Motion for Reconsideration, ECF No. 50.) Therefore, Mr. Leventhal's request is moot.

Within the same motion, Mr. Leventhal requested permission to file an early summary judgment motion. The Court finds that summary judgment motions would be premature at this stage of the litigation and denies Mr. Leventhal's request at this time. Because the Court denies this request, it also denies Mr. Leventhal's request for a telephonic hearing on the matter.

Based on the foregoing, **IT IS HEREBY ORDERED:**

1. Mr. Leventhal's Motion for Time to File Objections to Defendants' Doc. 58, 59, & 60; to File Motion for Summary Judgment, and for Telephonic Hearing in this Matter (ECF No. 70) is **DENIED**.

Date: October 3, 2018

*s/ Katherine Menendez*

Katherine Menendez

United States Magistrate Judge